

SENATE BILL 1496

By Lamar

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 8; Title 10 and Title 38, relative to law  
enforcement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 3, is amended by adding the following as a new section:

(a) A law enforcement agency shall not:

(1) Engage in law enforcement activities which interfere with a person's rights protected by the First Amendment to the United States Constitution, including, but not limited to, the rights to communicate an idea or belief, to speak and dissent freely, to write, publish, and associate privately and publicly for a lawful purpose. In connection with the investigation of criminal conduct, a law enforcement agency must appropriately limit all law enforcement activities so as not to infringe on a person's First Amendment rights;

(2) Engage in First Amendment-related intelligence or intercept, record, transcribe, or otherwise interfere with a communication by means of electronic surveillance for the purpose of First Amendment-related intelligence. A law enforcement agency may view information posted to social media for legitimate law enforcement purposes, so long as the agency does not improperly catalog and disseminate that information; or

(3) Maintain personal information about a person for the purpose of First Amendment-related intelligence unless the information is collected in the course of a lawful investigation of criminal conduct and is relevant to such investigation.

(b) As used in this section:

(1) "First Amendment-related intelligence" is the gathering, indexing, filing, maintenance, storage, or dissemination of information or other investigative activity which is undertaken due to or on the basis of a person's beliefs, opinions, associations or the content of the speech or expression protected by the First Amendment;

(2) "First Amendment rights" means rights protected by the First Amendment to the Constitution of the United States, including, but not limited to, the rights to communicate an idea or belief, to speak and dissent freely, to write and to publish, and to associate privately and publicly for a lawful purpose;

(3) "Legitimate law enforcement purpose" means an activity conducted for the purpose of furthering the prevention of crime or ensuring the safety of the public and law enforcement personnel, while adhering to law and agency policy designed to protect the privacy, free speech, association, and other civil rights and civil liberties of all people;

(4) "Person" means an individual, group or organization; and

(5) "Social media" means forms of electronic communication such as websites for social networking and microblogging through which users create online communities to share information, ideas, personal messages, and other content such as photos and videos.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.